

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TYRONE PACE,
Plaintiff,

Hon. Hugh B. Scott

v.

05CV78

(CONSENT)

THOMAS POOLE, et al.,
Defendants.

Order

Before the Court is defendants' motion to compel or dismiss due to plaintiff's failure to submit an executed authorization for release of his medical records (Docket No. 14). Defendants move for plaintiff to furnish that authorization or have this action dismissed (Docket No. 14).

Plaintiff, an inmate proceeding here pro se, claims that he misplaced but later recovered the authorization sought by defendants (Docket No. 17, plaintiff's letter to chambers, dated Feb. 13, 2006) and executed and sent that authorization (Docket No. 18, plaintiff's letter to chambers, dated Feb. 2, 2006, with enclosure). Given plaintiff's circumstances and that he ultimately produced an authorization (without objection by defendants), the relief that the Court order production is **deemed moot**. The alternative relief of dismissal of this action is **denied**.

Alternatively, defendants now request an extension of time for dispositive motions, to June 9, 2006 (Docket No. 19, Defs. Atty. Reply Decl. ¶ 6). That request is **granted**.

So Ordered.

/s/ Hugh B. Scott
Honorable Hugh B. Scott
United States Magistrate Judge

Dated: Buffalo, New York
March 16, 2006